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NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF  
CALIFORNIA

Plaintiff,

vs.

JAMES HENRY TUGGLE (also known as  
JAMES H. TUGGLE), Individually and in his  
capacity as Trustee of the Tuggle Family  
Revocable Living Trust; OLYMPIC HOTEL  
LLC, a Limited Liability Company; HORST  
OSTERKAMP, individually and in his capacity  
as Manager of the OLYMPIC HOTEL LLC;  
and DOES 1 through 50, inclusive,

Defendants.

Case No.

BC 671451

COMPLAINT FOR ABATEMENT,  
INJUNCTION, EQUITABLE RELIEF,  
AND CIVIL PENALTIES

[HEALTH & SAFETY CODE  
SECTION 11570, *ET SEQ.*; PENAL  
CODE SECTION 3479, *ET SEQ.*;  
BUSINESS AND PROFESSIONS  
CODE SECTION 17200, *ET SEQ.*]

(Unlimited Action)

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2  
3 **INTRODUCTION**

4  
5 1. This action is brought and prosecuted by the People of the State of California  
6 (“People”) for the purpose of abating and preventing a dangerous public nuisance which exists at  
7 a 176-unit residential hotel (“Olympic Hotel” or “Hotel”) located at 725 South Westlake Avenue,  
8 Los Angeles California 90057 (the “Property”). The Action is brought pursuant to the Narcotics  
9 Abatement Law (“NAL”), California Health and Safety Code section 11570, *et seq.*; the Public  
10 Nuisance Law (“PNL”), Civil Code sections 3479-3480, *et seq.*; and the Unfair Competition Law  
11 (“UCL”), Business and Professions Code section 17200, *et seq.*

12 2. Defendant JAMES HENRY TUGGLE (also known as JAMES H. TUGGLE)  
13 owns the Property and operates the Hotel and has done so since about October 19, 2016.  
14 Defendant OLYMPIC HOTEL LLC and its Manager Defendant HORST OSTERKAMP owned  
15 the Property and operated the Hotel from 1999 until about October 19, 2016. Hereinafter  
16 referred to collectively as “DEFENDANTS”.

17 3. The Property is, and has been for years, a hub of criminal and nuisance activity.  
18 In the last four years alone, there have been dozens of arrests or other criminal/nuisance incidents  
19 at or connected to the Property, involving drug sales, shootings, robberies, gang graffiti  
20 vandalism, gun possession, criminal threats and assaults and batteries and over 1,500 calls for  
21 service to the Los Angeles Police Department (“LAPD”). Most recently, between May and July  
22 of 2017, law enforcement officers repeatedly made controlled drug buys of rock cocaine and  
23 methamphetamine at the Hotel; purchasing narcotics not only from various individuals, but from  
24 different Hotel rooms and on different floors. The Property has a well-known reputation within  
25 the community as a location where narcotics are sold and where individuals freely use narcotics.  
26 The LAPD has devoted considerable resources to suppressing the incessant criminal activity at  
27 the Property and continue to do so to this day. The unabated nuisance at the Property intimidates  
28 law-abiding tenants from making reports to the law enforcement, and thus this already large

1 number of *documented* incidents significantly understates the severity of the longstanding  
2 nuisance at the Property.

3 4. The People assert their power to remedy these injuries to the public interest by  
4 seeking to enjoin future violations of law and to assess civil penalties and costs for past  
5 violations through this action.

## 6 GENERAL ALLEGATIONS

### 7 The Parties and the Property

#### 8 **A. Plaintiff**

9 5. Plaintiff, the People of the State of California, acting through the Los Angeles  
10 City Attorney, Mike Feuer, brings its first cause of action pursuant to the authority granted by  
11 Health and Safety Code section 11571; brings its second cause of action pursuant to the authority  
12 granted by Civil Code section 731; and, brings its third cause of action pursuant to the authority  
13 granted by Business and Professions Code section 17204.

14 6. At all times mentioned herein, the City of Los Angeles, was and still is a  
15 municipal corporation with a population in excess of 750,000 people, organized and existing  
16 under the laws of the State of California for purposes of standing under Business and Professions  
17 Code section 17204.

#### 18 **B. Defendants**

19 7. Defendant OLYMPIC HOTEL LLC, a Limited Liability Company, (hereinafter  
20 "Defendant HOTEL LLC") owned and/or managed, controlled, operated and/or acted as the  
21 lessor of the Property and the Hotel during all or substantial parts of the time period from about  
22 January 15, 1999 to about October 19, 2016, and as such, whether by commission or omission,  
23 has directly or indirectly permitted the Property to be used for illegal and unlawful purposes, and  
24 other nuisance activity, thereby violating the NAL, the PNL and the UCL.

25  
26 8. Defendant HORST OSTERKAMP (hereinafter "Defendant OSTERKAMP"), an  
27 individual, owned and/or managed, controlled, operated and/or acted as the lessor of the Property  
28 and the Hotel during all or substantial parts of the time period from January 15, 1999 to

1 November 2016, acting through Defendant HOTEL LLC, or in association with other  
2 individuals, including family members. Defendant OSTERKAMP, whether by commission or  
3 omission, has directly or indirectly permitted the Property to be used for illegal and unlawful  
4 purposes, and other nuisance activity, thereby violating the NAL, the PNL and the UCL.

5 9. Defendant JAMES HENRY TUGGLE (also known as JAMES H. TUGGLE)  
6 (hereinafter "Defendant TUGGLE") is the trustee of the Tuggle Family Revocable living Trust,  
7 dated October 16, 1991, as amended by amendment to the Tuggle Family Revocable Living  
8 Trust , [sic] dated August 15, 2006 ("Trust"). Defendant TUGGLE as trustee of the Trust,  
9 purchased the Property from Defendant HOTEL LLC though its Manager Defendant  
10 OSTERKAMP, on or around October 19, 2016, and is the current record owner of the Property.

11 10. Defendant HOTEL LLC acted as a lender for the Trust's acquisition of the  
12 Property and retains a beneficial interest in the Property.

13 11. Plaintiff is ignorant of the true names and capacities of Defendant DOES 1  
14 through 50, inclusive, and as such, sues these defendants by such fictitious names pursuant to  
15 Section 474 of the California Code of Civil Procedure. Each such defendant is responsible in  
16 some manner for conducting, maintaining, or directly or indirectly permitting the unlawful  
17 activity complained of herein. When the true names and capacities of said defendants have been  
18 ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of  
19 such fictitious names the true names and capacities of any fictitiously named defendants.

20 12. At all relevant times mentioned herein, all defendants were and are agents,  
21 lessors, lessees, servants, employees, partners and/or joint venturers of each other defendant, and  
22 at all times were acting within the course and scope of said relationship and with the consent of  
23 each of their co-defendants.

24  
25 **C. The Property**  
26

27 13. The Property is a residential hotel building consisting of approximately 176 "hotel  
28 rooms" commonly known as the "Olympic Hotel" or "Olympic Apartments" and is located at

1 725 S. Westlake Avenue, Los Angeles, California 90057<sup>1</sup> in the Westlake neighborhood of Los  
2 Angeles. The Property is located on the westside of Westlake Avenue between 7<sup>th</sup> Street and 8<sup>th</sup>  
3 Street. The Property consists of a four story u-shaped building with a courtyard in the rear. The  
4 Olympic Hotel has one main entrance off of Westlake Avenue, leading to a large lobby area with  
5 a clerk/receptionist area located in the southwest corner of the lobby. Inside the lobby, two doors  
6 (one on the north side of the lobby and one on the south side of the lobby) lead to hotel rooms.  
7 Additionally, stairwells situated along the north and south sides of the building provide access to  
8 hotel rooms in the three upper floors.

9 14. The Property is within the Los Angeles "Promise Zone". The "Promise Zone" is a  
10 Federal anti-poverty initiative, led by non-profit and public sector organizations, that target  
11 resources to create jobs, boost public safety, improve public education and stimulate better  
12 housing opportunities for residents and neighborhoods within the "Promise Zone". This initiative  
13 is intended to improve quality of life for individuals residing within the "Promise Zone" area.  
14 The Property is also approximately two blocks from MacArthur Park and from Hope and Peace  
15 Park and approximately a quarter mile from Esperanza Elementary School.

#### 16 JURISDICTION AND VENUE

17 15. Each of the acts and practices alleged herein were performed by DEFENDANTS, in  
18 whole or in part, in the City of Los Angeles.

19 16. The Property that is the subject of this action is located in the City of Los Angeles.

#### 20 NARCOTICS AND NUISANCE ACTIVITY AT THE PROPERTY

21 17. For years, the Property has been used for the purpose of unlawful sales of controlled  
22 substances, namely rock cocaine and methamphetamine. Between May 2017 and the present,  
23 LAPD officers and/or their confidential informants have repeatedly purchased narcotics at the  
24 Property.

25 \_\_\_\_\_  
26  
27 <sup>1</sup> The Property's legal description is "LOTS 18 AND 19 IN BLOCK D OF THE BONNIE BRAE  
28 TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF  
CALIFORNIA. AS PER MAP RECORDED IN BOOK 9, PAGE 85 OF MISCELLANEOUS  
RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY." Assessors Parcel  
Number: 5141-019-013.

1           18. For years, the Property has been a public nuisance involving numerous arrests or  
2 other criminal/nuisance incidents at or connected to the Property for unlawful drug sales,  
3 shootings, robberies, gang graffiti vandalism, gun possession, and assaults/batteries of Hotel  
4 employees or its residents. In addition, in the last four years alone, LAPD Officers have also  
5 responded to over 1,500 calls for service at the Property that include, but are not limited to,  
6 shootings, assaults, fights, robberies, burglaries, and trespassing.

7                           **PRIOR GOVERNMENTAL EFFORTS TO ABATE**

8                                   **THE NUISANCE AT THE PROPERTY**

9           19. In October 2013, following an earlier period of crime and disorder at the Property,  
10 the City Attorney's Citywide Nuisance Abatement Program and LAPD personnel convened a  
11 meeting with Defendant HOTEL LLC to discuss the nuisance activity at the Property and  
12 suggest solutions. Defendant OSTERKAMP attended that meeting. These efforts by  
13 prosecutors and the LAPD to informally abate the nuisance at the Property were not successful,  
14 the nuisance has remained, and this judicial action has accordingly been undertaken.

15                           **OVERVIEW OF APPLICABLE LAW**

16                                   **Narcotics Abatement Law**

17           20. The abatement of a nuisance is a long established and well-recognized exercise of  
18 the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks*  
19 *v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the principal  
20 purpose of the Narcotics Abatement Act (Health & Safety Code, § 11570, et seq.) is the  
21 abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing,  
22 keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified  
23 in this division . . . ." (Health & Safety Code, § 11570).

24           21. The Narcotics Abatement Law provides that every building or place used for the  
25 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any  
26 controlled substance, precursor, or analog inter alia, "is a nuisance which *shall* be enjoined,  
27 abated, and prevented . . . whether it is a public or private nuisance." (Health & Safety Code,  
28 § 11570 [emphasis added].)

1           22. Health and Safety Code section 11571, authorizes a city attorney to bring an action  
2 to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever  
3 there is reason to believe that a nuisance as described in Section 11570, is kept, maintained, or  
4 exists in any county, the district attorney of the county, or the city attorney of any incorporated  
5 city or of any city and county, in the name of the people, may . . . maintain an action to abate and  
6 prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the  
7 owner, lessee, or agent of the building or place in or upon which the nuisance exists from  
8 directly or indirectly maintaining or permitting the nuisance."

9           23. Health and Safety Code section 11573(a) provides that: "If the existence of the  
10 nuisance is shown in the action to the satisfaction of the court or judge, either by verified  
11 complaint or affidavit, the court or judge *shall* allow a temporary restraining order or injunction  
12 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In  
13 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the  
14 removal and sale of all fixtures and movable property on the premises used in aiding or abetting  
15 the nuisance and for the closure of the building for up to one year.

#### 16                                   **Public Nuisance Law**

17           24. Civil Code section 3479 provides: Anything which is injurious to health, including,  
18 but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the  
19 senses, or an obstruction to the free use of property, so as to interfere with the comfortable  
20 enjoyment of life or property . . . is a nuisance.

21           25. Civil Code section 3480, defines a public nuisance as ". . . one which affects at the  
22 same time an entire community or neighborhood, or any considerable number of persons,  
23 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

24           26. "A civil action may be brought in the name of the People of the State of California  
25 to abate a public nuisance, as defined in section 3480, of the Civil Code, by the city attorney of  
26 any town or city in which such nuisance exists." (Code Civ. Proc., § 731.)

27           27. Civil Code section 3491 provides for the methods by which a public nuisance such  
28 as the nuisance alleged herein may be abated. Civil Code section 3491 states, in pertinent part,

1 that the “remedies against a public nuisance are indictment or information, a civil action or  
2 abatement.”

3         28. Where “a building or other property is so used as to make it a nuisance under the  
4 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge that it  
5 was used for the unlawful purpose constituting a nuisance.” (*People ex rel. Bradford v. Barbieri*  
6 (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.* (1958) 165 Cal.App.2d  
7 306, 318 [“a nuisance and liability therefore may exist without negligence”]; *People v.*  
8 *McCadden* (1920) 48 Cal.App. 790, 792 [“A judgment supported on findings that such nuisance  
9 was conducted and maintained on the premises in question, regardless of the knowledge of the  
10 owner thereof, is sufficient. Such knowledge on the part of the owner . . . is unnecessary.”];  
11 *People v. Peterson* (1920) 45 Cal.App. 457, 460 [“[I]t was not necessary . . . for the trial court to  
12 find either, that the [defendants] threatened, and unless restrained, would continue to maintain,  
13 aid, and abet, the nuisance, or that they knew the building was used in violation of the act. . . .  
14 The existence of the nuisance was the ultimate fact in this case, and having been found, supports  
15 the judgment.”].) This is because “the object of the act is not to punish; its purpose is to effect a  
16 reformation of the property itself.” (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)  
17

18         29. Moreover, Civil Code section 3483 states that “[e]very successive owner of  
19 property who neglects to abate a continuing nuisance upon, or in the use of, such property,  
20 created by the former owner, is liable therefore in the same manner as the one who first created  
21 it.”

### 22                     **The Unfair Competition Law**

23         30. The practices prohibited by Business and Professions Code section 17200, are “any  
24 practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory,  
25 regulatory, or court-made. It is not necessary that the predicate law provide for private civil  
26 enforcement. As the California Supreme Court put it, Business and Professions Code section  
27 17200, borrows violations of other laws and treats them as unlawful practices independently  
28 actionable under Business and Professions Code section 17200, et seq. (*South Bay Chevrolet v.*

1 *General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and  
2 quotation marks omitted).)

3 31. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes anything that  
4 can properly be called a business practice and that at the same time is forbidden by law.”  
5 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. “Any  
6 person performing or proposing to perform an act of unfair competition may be enjoined . . .”  
7 (Bus. & Prof. Code, § 17203.) The term person includes “natural persons, corporations, firms,  
8 partnerships, joint stock companies, associations and other organizations of persons.” (Bus. &  
9 Prof. Code, § 17201.) The courts have expanded section 17200’s net beyond direct liability to  
10 include common law doctrines of secondary liability where the liability of each defendant is  
11 predicated on his or her personal participation in the unlawful practices. (*People v. Toomey*  
12 (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int’l Service Ass’n* (2002) 95 Cal.App.4th 952, 960.)

13 32. Civil actions under section 17200, et seq., may be brought in the name of the People  
14 of the State of California by any city attorney of a city having a population in excess of 750,000  
15 (Bus. & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can sue  
16 pursuant to section 17200 based on violations of its own municipal code, state law, or other local  
17 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

18 33. Defendants engaging in violations of the UCL may be enjoined in any court of  
19 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or  
20 judgments, including appointment of a receiver, as may be necessary to prevent the use or  
21 employment by any person of any practice constituting unfair competition. (*Id.*)

22 34. Although no case has specifically been called upon to define the term “business” in  
23 section 17200, the courts have frequently given a broad reading to the provisions of the UCL so  
24 as to affect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass’n*  
25 (1972) 7 Cal.3d 94, 111-113.) For instance, an enterprise engaged entirely in criminal conduct  
26 is a business for purposes of section 17200. (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315,  
27 320-321.) Moreover, recent amendments to section 17200 make clear that even a one-time act of  
28

1 misconduct can constitute a violation of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59  
2 Cal.App.4<sup>th</sup> 965, 969.)

3 35. The ownership and operation of an apartment building is a business. (*Clark v. City*  
4 *of San Pablo* (1969) 270 Cal.App.2d 121, 125.) When a property owner conducts, maintains or  
5 permits a nuisance under the NAL and/or PNL to exist on that rental property, it is a violation of  
6 the Unfair Competition Law. (See *San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

7 **FIRST CAUSE OF ACTION**

8 **FOR VIOLATIONS OF THE NARCOTICS ABATEMENT LAW**

9 **(Health and Safety Code, § 11570, et seq.)**

10 **[Against All DEFENDANTS and**

11 **DOES 1 through 50]**

12 36. Plaintiff hereby incorporates by reference paragraphs 1 through 35 of this  
13 Complaint and makes them part of this First Cause of Action, as if fully set forth here.

14 37. The Property was, and is, being used, from an exact date unknown, but at least since  
15 June 2012, for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or  
16 giving away controlled substances and is a building or place wherein or upon which those acts  
17 take place.

18 38. From an exact date unknown, but at least since June 2012 until October 2016,  
19 Defendant HOTEL LLC and Defendant OSTERKAMP, and DOES 1 through 25, have operated,  
20 maintained, directed or indirectly permitted and/or used the Property for the purposes of selling,  
21 serving, storing, keeping, manufacturing and/or giving away controlled substances in violation of  
22 Health and Safety Code section 11579, et seq.

23 39. From an exact date unknown, but since at least from October 2016, until the  
24 present, Defendant TUGGLE, and DOES 26 through 50, have operated, maintained, directed or  
25 indirectly permitted and/or used the Property for the purposes of selling, serving, storing,  
26 keeping, manufacturing and/or giving away controlled substances in violation of Health and  
27 Safety Code section 11579, et seq.  
28

1           40. DEFENDANTS and DOES 1 through 50, are responsible for conducting,  
2 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has  
3 no plain, speedy and adequate remedy at law and unless DEFENDANTS and DOES 1 through  
4 50, are restrained and enjoined by order of this Court, they will continue to use, occupy and  
5 maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation and  
6 maintenance of the Property, together with the fixtures and appurtenances located therein, for the  
7 nuisance complained of herein, to the great and irreparable damage of the public and in violation  
8 of California law.

9                                   **SECOND CAUSE OF ACTION**  
10                               **FOR VIOLATIONS OF THE PUBLIC NUISANCE LAW**

11                                   **(Civ. Code, § 3479 et seq.)**

12                               **[Against All DEFENDANTS**

13                                   **and DOES 1 through 50]**

14           41. Plaintiff hereby incorporates by reference paragraphs 1 through 40 of this  
15 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

16           42. On a continuous and ongoing basis, from an exact date unknown, but since at least  
17 January 2001 until October 2016, Defendant HOTEL LLC and Defendant OSTERKAMP, and  
18 DOES 1 through 25, have owned, operated, occupied, used, and/or directly or indirectly  
19 permitted to be occupied and used, the Property in such a manner as to constitute a public  
20 nuisance in violation of Civil Code sections 3479 and 3480.

21           43. On a continuous and ongoing basis, from an exact date unknown, but since at least  
22 October 2016, until the present, Defendant TUGGLE, and DOES 26 through 50, have owned,  
23 operated, occupied, used, and/or directly or indirectly permitted to be occupied and used, the  
24 Property in such a manner as to constitute a public nuisance in violation of Civil Code sections  
25 3479 and 3480.

26           44. The public nuisance, as described herein, is injurious to health, indecent or  
27 offensive to the senses, and/or an obstruction to the free use of property, so as to substantially  
28 and unreasonably interfere with the comfortable enjoyment of life or property by those persons

1 living in the community surrounding the Olympic Hotel. Besides the narcotic sales and narcotics  
2 use at the location, the documented nuisance activity at the Property includes the presence of  
3 guns and the occurrence of gun violence at the Property; assaults, batteries, criminal threats,  
4 robberies and the general state of disorder that pervades the Property.

5 45. DEFENDANTS, and DOES 1 through 50, in owning, conducting, maintaining,  
6 and/or permitting the use of the Property, directly or indirectly, as a public nuisance, have  
7 engaged in wrongful conduct and caused a serious threat to the general health, safety and welfare  
8 of the persons in the area surrounding the Property.

9 46. Plaintiff has no adequate remedy at law in that damages are insufficient to protect  
10 the public from the present danger and past and present harm caused by the conditions described  
11 herein. Unless DEFENDANTS, and DOES 1 through 50, are restrained and enjoined by order of  
12 this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly or  
13 indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and  
14 appurtenances located therein, for the purpose complained of herein, to the great and irreparable  
15 damage of Plaintiff and in violation of California law.

16 **THIRD CAUSE OF ACTION**

17 **FOR VIOLATIONS OF THE UNFAIR COMPETITION LAW**

18 **(Bus & Profs. Code, § 17200 et seq.)**

19 **[Against All DEFENDANTS**

20 **and DOES 1 through 50]**

21 47. Plaintiff incorporates herein by reference paragraphs 1 through 46 of this  
22 Complaint, as though fully set forth herein.

23 48. Ownership and operation of a hotel, such as the Hotel on the Property, is a business.  
24 When the owner of such a business violates the NAL and/or PNL such that a nuisance exists and  
25 flourishes at the business' premises, as alleged herein, it is also a violation of the UCL.

26 49. DEFENDANTS and DOES 1 through 50 have violated the UCL by engaging in the  
27 following unlawful and/or unfair business acts and practices: conducting, maintaining and/or  
28 permitting, directly or indirectly, narcotics activity at the Property amounting to violations of the

1 NAL as alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly,  
2 other criminal and/or nuisance activity at the Property, as alleged herein, in violation of the PNL.

3 50. Plaintiff has no adequate remedy at law, and unless DEFENDANTS and DOES 1  
4 through 50 are restrained by this Court and a receiver is appointed to manage the Property, they  
5 will continue to commit unlawful business practices or acts, thereby causing irreparable injury  
6 and harm to the public's welfare.

7 **PRAYER**

8 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE**  
9 **AND DECREE AS FOLLOWS:**

10 **AS TO THE FIRST CAUSE OF ACTION**

11 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation  
12 of Health and Safety Code section 11570, et seq.

13 2. That the Property, together with the fixtures and moveable property therein and  
14 thereon, be found to constitute a public nuisance and be permanently abated as such in  
15 accordance with Section 11581 of the California Health and Safety Code.

16 3. That the Court grant a preliminary injunction, permanent injunction and/or order  
17 of abatement in accordance with Section 11570, et. seq. of the California Health and Safety  
18 Code, enjoining and restraining Defendant TUGGLE (and Defendants HOTEL LLC and  
19 OSTERKAMP if they ever revert to ownership, management or control of the Property), and  
20 DOES 1 through 50, and their agents, officers, employees and anyone acting on their behalf,  
21 from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled  
22 substances on the Property, or from directly or indirectly permitting the same.

23 4. That the court order physical and managerial improvements to the Property in  
24 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise  
25 appropriate, to remedy the nuisance on the Property and enhance the abatement process,  
26 including but not limited to, the following: utilizing a comprehensive video surveillance system;  
27 implementing tenant screening procedures and background checks; hiring armed, licensed  
28 security guards; improving lighting; pursuing evictions as appropriate; and prohibiting known

1 gang members from accessing the Property.

2 5. That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
3 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
4 be ordered to reside in the Property until the nuisance is abated, pursuant to Health and Safety  
5 Code section 11573.5(f)(1)(H).

6 6. That as part of the Judgment, an Order of Abatement be issued, and that the  
7 Property be closed for a period of one year, not to be used for any purpose, and be under the  
8 control and custody of this Court for said period of time, or, in the alternative, that Defendant  
9 TUGGLE and Defendants HOTEL LLC and OSTERKAMP and DOES 1 through 50, pay an  
10 amount equal to the fair market rental value of the Property for one year to the City or County in  
11 whose jurisdiction the nuisance is located in accordance with Health and Safety Code section  
12 11581 subdivision (c)(1).

13 7. That Defendant TUGGLE and Defendants HOTEL LLC and OSTERKAMP, and  
14 DOES 1 through 50, each be assessed a civil penalty in an amount not to exceed twenty-five  
15 thousand dollars (\$25,000.00).

16 8. That all fixtures and moveable property used in conducting, maintaining, aiding  
17 or abetting the nuisance at the Property be removed by the LAPD and sold in the manner  
18 provided for the sale of chattels under execution. Said fixtures and property shall be inventoried  
19 and a list prepared and filed with this court.

20 9. That there shall be excepted from said sale, such property to which title is  
21 established in some third party not a defendant, nor agent, officer, employee or servant of any  
22 defendant in this proceeding.

23 10. That the proceeds from said sale be deposited with this court for payment of the  
24 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,  
25 removal of said property, and Plaintiff's costs in the action, including attorneys' fees, and such  
26 other costs as the court shall deem proper.

27 11. That if the proceeds of the sale do not fully discharge all such costs, fees and  
28 allowances, the Property shall also be sold under execution issued upon the order of the court or

1 judge and the proceeds of such sale shall be applied in a like manner. That any excess monies  
2 remaining after payment of approved costs shall be delivered to the owner of said Property.

3 Ownership shall be established to the satisfaction of this court.

4 12. That Defendant TUGGLE, (and Defendants HOTEL LLC and OSTERKAMP if  
5 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
6 and any agents, trustees, officers, employees and anyone acting on their behalf, and their heirs  
7 and assignees, be perpetually enjoined from transferring, conveying, or encumbering any portion  
8 of the Property, for consideration or otherwise, without first obtaining the Court's prior approval.

9 13. That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
10 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
11 be ordered to immediately notify any transferees, purchasers, commercial lessees, or other  
12 successors in interest to the subject Property of the existence and application of any temporary  
13 restraining order, preliminary injunction, or permanent injunction to all prospective transferees,  
14 purchasers, commercial lessees, or other successors in interest, before entering into any  
15 agreement to sell, lease or transfer the Property, for consideration or otherwise, all or any portion  
16 of the Property that is the subject of this action.

17 14. That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
18 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
19 be ordered to immediately give a complete, legible copy of any temporary restraining order and  
20 preliminary and permanent injunctions to all prospective transferees, purchasers, lessees, or other  
21 successors in interest to the Property.

22 15. That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
23 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
24 be ordered to immediately request and procure signatures from all prospective transferees,  
25 purchasers, lessees, or other successors in interest to the subject Property, which acknowledges  
26 his/her respective receipt of a complete, legible copy of any temporary restraining order,  
27 preliminary and permanent injunction, and deliver a copy of such acknowledgment to the Los  
28 Angeles City Attorney's Office, c/o Deputy City Attorney Maria Aguillon or his designee.

1           16.     That Plaintiff recover the costs of this action, including law enforcement  
2 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed  
3 \$1,000,000.00, from Defendant TUGGLE and DOES 1 through 50.

4           AS TO THE SECOND CAUSE OF ACTION

5           17.     That the Property, together with the fixtures and moveable property therein and  
6 thereon, be declared a public nuisance and be permanently abated as such in accordance with  
7 Civil Code section 3491.

8           18.     That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
9 they ever revert to ownership, management or control of the Property), and DOES 1 through 50,  
10 and their agents, officers, employees and anyone acting on their behalf, and their heirs and  
11 assignees, be preliminarily and perpetually enjoined from operating, conducting, using,  
12 occupying, or in any way permitting the use of the Property as a public nuisance. Such orders  
13 should include, but not be limited to physical and managerial improvements to the Property, and  
14 such other orders as are appropriate to remedy the nuisance on the Property and enhance the  
15 abatement process.

16           19.     Such costs as may occur in abating said nuisance at the Property and such other  
17 costs as the Court shall deem just and proper.

18           20.     That Defendant TUGGLE (and Defendants HOTEL LLC and OSTERKAMP if  
19 they ever revert to ownership, management or control of the Property) and DOES 1 through 50  
20 be ordered to reside in the Property until the nuisance is abated.

21           21.     That Plaintiff be granted such other and further relief as the Court deems just and  
22 proper, including closure and/or demolition of the Property.

23           AS TO THE THIRD CAUSE OF ACTION

24           22.     That each Defendant be declared in violation of Business and Professions Code  
25 section 17200.

26           23.     That each Defendant, as well as their agents, heirs, successors, and anyone acting  
27 on its behalf, be permanently enjoined from maintaining, operating, or permitting any unlawful  
28

1 or unfair business acts or practices in violation of Business and Professions Code section 17200.

2 24. That the Court grant a preliminary and/or permanent injunction prohibiting each  
3 Defendant, as well as their agents, heirs, successors, and anyone acting on its behalf, from  
4 engaging in the unlawful or unfair acts and/or practices described herein at the Property and in  
5 the City of Los Angeles. Such orders should include physical and managerial improvements to  
6 the Property.

7 25. That, pursuant to Business and Professions Code section 17206, each Defendant  
8 be assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for each and every  
9 act of unfair competition.

10 26. That, pursuant to the Court's equitable power and Business and Professions Code  
11 section 17203, the Court make such orders or judgments, including appointment of a receiver, to  
12 eliminate the unfair competition alleged herein.

13 AS TO ALL CAUSES OF ACTION

14 27. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
15 the service of process or notices which would have been paid but for Government Code section  
16 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of the  
17 fees for certifying and preparing transcripts.

18 28. That Plaintiff be granted such other and further relief as the Court deems just and  
19 proper.

20  
21 DATED: August 8, 2017

Respectfully submitted,

22 MICHAEL N. FEUER, City Attorney  
23 JONATHAN CRISTALL, Managing Assistant City Attorney  
24 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy City Attorney

25 By: 

26 MARIA AGUILLON, Deputy City Attorney  
27 Attorneys for Plaintiff, THE PEOPLE OF THE STATE  
28 OF CALIFORNIA